

ATTORNEY GRIEVANCE COMMISSION  
OF MARYLAND

Petitioner

v.

JOHN WILLIAM SELLERS

Respondent

\* IN THE  
\*  
\* CIRCUIT COURT  
\*  
\* FOR  
\*  
\* ANNE ARUNDEL COUNTY  
\*  
\* (CA Misc. Docket AG No. 8  
\* September Term 2012)  
\*  
\* Case No.: 02-C-12-168789 AG  
\*

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**RESPONSE TO PETITION FOR  
DISCIPLINARY OR REMEDIAL ACTION**

John William Sellers, Respondent, by Council, Baradel, Kosmerl & Nolan, P.A. and James P. Nolan, his attorneys, responds to Petitioner's Petition for Disciplinary or Remedial Action as follows:

1. Respondent admits the allegations set forth in Paragraph 1 of the Petition.
2. The allegations set forth in Paragraph 2 of the Petition are statements and/or conclusions of law to which no response is required, but if required, are denied.
3. Respondent admits the allegations set forth in Paragraph 3 of the Petition except to state that he was employed as a Senior Trial Attorney at the Department of Justice.
4. Respondent admits the allegations set forth in Paragraph 4 of the Petition.
5. Respondent admits the allegations set forth in Paragraph 5 of the Petition to the best of his knowledge, information and belief.
6. Respondent admits the allegations set forth in Paragraph 6 of the Petition.
7. Respondent admits the allegations set forth in the first sentence of Paragraph 7 of the Petition. Respondent admits the allegations set forth in the second sentence of Paragraph 7 of

the Petition that “Mr. Ceresney communicated to Respondent that Mr. Masvidal and Simon Amich, President of AEBI, would not continue their employment with AEBI after a prospective sale of the Bank,” but Respondent denies that those discussions involved terms of the DPA as the terms of the DPA had already been reached by the Parties.

8. Respondent denies the allegations set forth in Paragraph 8 of the Petition.

9. Respondent admits the allegations set forth in Paragraph 9 of the Petition that he signed the referenced letter dated August 2, 2007, but denies the alleged characterization of the letter as a “management side letter.”

10. Respondent admits the allegations set forth in Paragraph 10 of the Petition that he signed the referenced letter dated August 2, 2007, but Respondent avers that the letter speaks for itself and he therefore denies the characterization of the letter in Paragraph 10 of the Petition.

11. Respondent avers that he is unable to admit, deny, or explain the allegations set forth in Paragraph 11 of the Petition as he has no personal knowledge of these allegations.

12. Respondent denies the allegations set forth in Paragraph 12 of the Petition.

13. Respondent denies the allegations set forth in Paragraph 13 of the Petition.

14. Respondent admits the allegations set forth in Paragraph 14 of the Petition, except that he denies the characterizations of the letters which speak for themselves.

15. Respondent admits the allegations set forth in Paragraph 15 of the Petition, except that he denies the characterizations of the letters which speak for themselves.

16. Respondent denies the allegations set forth in Paragraph 16 of the Petition.

17. Respondent denies the allegations set forth in Paragraph 17 of the Petition.

18. Respondent admits the allegations set forth in Paragraph 18 of the Petition.

19. Respondent admits the allegations set forth in Paragraph 19 of the Petition.

20. Respondent admits the allegations set forth in Paragraph 20 of the Petition.
21. Respondent admits the allegations set forth in Paragraph 21 of the Petition.
22. Respondent admits the allegations set forth in Paragraph 22 of the Petition that the DPA did not refer to or incorporate either of the August 2, 2007 letters or their specific statements into the DPA which speaks for itself.
23. Respondent admits the allegations set forth in Paragraph 23 of the Petition.
24. Respondent admits the allegations set forth in Paragraph 24 of the Petition, but denies the characterization of the letters as set forth in that Paragraph, and avers that the so called “management side letter” was subsequently filed with the Court.
25. Respondent denies the allegations set forth in Paragraph 25 of the Petition.
26. Respondent denies the allegations set forth in Paragraph 26 of the Petition.
27. Respondent denies the allegations set forth in Paragraph 27 of the Petition.
28. Respondent avers that he is unable to admit, deny, or explain the allegations set forth in Paragraph 28 of the Petition as he has no personal knowledge of these allegations.
29. Respondent avers that he is unable to admit, deny, or explain the allegations set forth in Paragraph 29 of the Petition as he has no personal knowledge of these allegations.
30. Respondent admits the allegations set forth in Paragraph 30 of the Petition.
31. Respondent admits the allegations set forth in the first sentence of Paragraph 31 of the Petition, but denies the allegations set forth in the second sentence of Paragraph 31 of the Petition.
32. Respondent admits the allegations set forth in Paragraph 32 of the Petition.

33. Respondent admits the allegations set forth in the first sentence of Paragraph 33 of the Petition, but denies the allegations set forth in the second sentence of Paragraph 33 of the Petition.

34. Respondent denies the allegations set forth in Paragraph 34 of the Petition.

35. Respondent denies the allegations set forth in Paragraph 35 of the Petition.

36. Respondent denies the allegations set forth in Paragraph 36 of the Petition.

37. Respondent denies the allegations set forth in Paragraph 37 of the Petition.

38. Respondent admits the allegations set forth in Paragraph 38 of the Petition.

39. Respondent admits the allegations set forth in Paragraph 39 of the Petition, but avers that the complaint speaks for itself.

40. Respondent admits the allegations set forth in Paragraph 40 of the Petition, but avers that the letter speaks for itself.

41. Respondent admits the allegations set forth in Paragraph 41 of the Petition, but avers that the letter speaks for itself.

42. Respondent admits the allegations set forth in Paragraph 42 of the Petition.

43. Respondent admits that Petitioner is charging Respondent with the violations set forth in Paragraph 43 of the Petition, but denies that he violated any of the Maryland Lawyers' Rules of Professional Conduct.

44. (This Paragraph has been misnumbered as Paragraph 43 when it should have been numbered as Paragraph 44) The allegations set forth in this Paragraph are statements and/or conclusions of law to which no response is required, but if required, are denied.

45. The Petition fails to state a claim upon which relief can be granted.

46. Respondent denies any violations of the Maryland Lawyers' Rules of Professional Conduct.

47. Petitioner's claims are barred by collateral estoppel.

48. Petitioner's claims are barred by estoppel.

49. Petitioner's claims are barred by illegality.

50. Petitioner's claims are barred by laches.

51. Petitioner's claims are barred by waiver.

52. Petitioner's claims are barred by the applicable statute of frauds.

53. Petitioner's claims are barred by the applicable statute of limitations.

54. Respondent did not commit the wrongs alleged.

55. Respondent wishes to raise an issue as to the authority of Petitioner to maintain this action against Respondent.

56. Respondent wishes to raise an issue as to the capacity of Petitioner to maintain this action against Respondent.

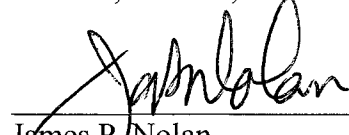
WHEREFORE, having fully answered the Petition, Respondent respectfully requests that this Honorable Court:

- A. Dismiss the Petition;
- B. Enter Judgment in favor of Respondent;
- C. Award reasonable attorneys fees and costs of these proceedings to Respondent from Petitioner;
- D. Grant such other and further relief to Respondent as the nature of his cause require.

Respectfully submitted,

Council, Baradel, Kosmerl & Nolan, P.A.

By:

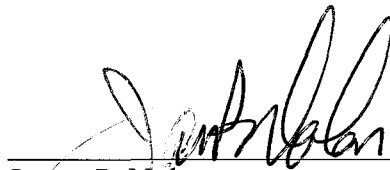
  
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Attorneys for Respondent

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of May, 2012, a copy of the foregoing Response to Petition for Disciplinary or Remedial Action was served by first class mail, postage prepaid, to:

Glenn M. Grossman, Bar Counsel  
Raymond A. Hein, Deputy Bar Counsel  
Attorney Grievance Commission of Maryland  
100 Community Place, Suite 3301  
Crownsville, Maryland 21032-2027

  
James P. Nolan